

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	
GENESIS CARE PTY LIMITED, et al.,	§	CASE NO. 23-90614
	§	Chapter 11 (MI)
DEBTORS.	§	(Jointly Administered)

**OBJECTION OF BENJAMIN DESCHNER, MD TO AND NOTICE OF
OPT-OUT OF ALL THIRD-PARTY RELEASES AND EXCULPATIONS
[RELATED TO DKT. NOS. 828 and 1024]**

Benjamin Deschner, MD, through his undersigned counsel, respectfully files this Objection to and Notice of Opt-Out of all Third-Party Releases¹ and Exculpations contained in Article VIII.D of the *Debtors' First Amended Joint Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code (Technical Modifications)* (the "Plan") [Dkt. No. 1024]. Benjamin Deschner, MD, objects to and opts out of all Third-Party Releases and Exculpations contained within the Plan or any order confirming the Plan and does not consent to the release of any Non-Debtor Party.

Benjamin Deschner, MD, respectfully requests that this Court enter an order sustaining his Objection and allowing him to opt out of all Third-Party Releases and Exculpations, and granting such other and further relief as is just and proper.

¹ Capitalized terms not defined herein shall have the meaning ascribed to them in the Plan.

Dated: November 15, 2023

Respectfully submitted,

SPENCER FANE LLP

/s/ Megan F. Clontz

Megan F. Clontz

State Bar No. 24069703

Spencer Fane LLP

5700 Granite Parkway, Suite 650

Plano, TX 75024

(972) 324-0300 – Telephone

(972) 324-0301 – Facsimile

Email: mclontz@spencerfane.com

Counsel for Benjamin Deschner, MD

CERTIFICATE OF SERVICE

I hereby certify that on November 15, 2023, a true and correct copy of the foregoing Objection was served on the Debtor, Debtors' Counsel, Counsel for the Unsecured Creditors Committee, the Office of the US Trustee, and all other parties receiving notice of filings by the Court's ECF Notification System.

/s/ Megan F. Clontz

Megan F. Clontz